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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,016	12/30/1998	SCOTT L. MINNEMAN	100126	2341

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EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/223,016

Applicant(s)

MINNEMAN ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-13, 15-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-13, 15-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4,6-13,15-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi et al (5,546,191) in view of Lang (4,96395).

Regarding claim 1, Hibi discloses a system (Figs. 21 and 22) that uses structured representations to index recordings of activity (audio /video information) comprising:

an indexing device (95,79) that adds recordings of activity to at least one index as the activity is recorded (Fig. 16) , indexes recordings of activity (column 28, line 41 to column 29, line 23) and plays recordings of activity based on a user input since the

user can selecting any recordings activity portion to be replayed (column 30, lines 10-15, column 24, lines 40-60);

an object description file (79) that stores the at least one index; a user input device that selects at least one item of the at least one index based on a user input; an association device that associates the selected at least one item with a recording of an activity; and a playback system for replaying an indexed recording (column 24, lines 40-60, Fig. 16).)

Hibi fails to teach that the system further having an editing means for editing the activity and means for simultaneously relaying the indexed activity and recording activity.

Lang teaches a recording and reproducing apparatus (Fig. 2) having means for simultaneously playing recorded video/audio and recording video/audio information and mean for editing the audio/video information ( column 2, lines 37-42, column 9, lines 1-55, column 6, lines 23- 48).

It would have been obvious to one of ordinary skill in the art to modify Hibi with Lang by using incorporating editing means and recording/ reproducing means as taught by Lang in the apparatus of Hibi thereby enhancing the capacity of the apparatus of Hibi for viewing and editing the video/audio information .

Further for claim 1, Hibi as modified with Lang teaches a recording system that records activity , the recording system allows a previously indexed rcording to be recorded and inserted in a current second indexed (See Lang column 8, lines 10-27, 40-48 , column 9, lines 30-50).

Method claim 10 corresponds to apparatus claim 1. Therefore, method claim 10 is rejected by the same reason as applied to apparatus claim 1.

Regarding claims 2, and 11 Hibi as modified with Lang further teaches a recording system that records the activity (See Hibi column 28, lines 40-55, Lang column 6, lines 25-50) .

Regarding claims 3 and 12, Hibi as modified with Lang further teaches that the recording system allows a previously recorded activity to be inserted in a current recording (See Lang column 6, lines 25-50) .

Regarding claims 4 and 13, Hibi as modified with Lang further an audio/video storage device that stores a recorded activity (See Hibi column 28, lines 40-55, Lang column 6, lines 25-50)

Regarding claims 6 and 15, Hibi further teaches the playback system can replay a portion of the indexed recording in response to selecting an item from the at least one index column 24, lines 40-60.

Regarding claims 7 and 16, Hibi as modified with Lang further teaches an editing system that allows modifications to a recorded activity (See Lang column 6, lines 22-47).

Regarding claims 8 and 17, Hibi further teaches a display device that displays at least one of the at least one index, the at least one item and the recording (Fig. 6, column 24, lines 40-60).

Regarding claims 9 and 18, Hibi further teaches the association device temporally associates the recording of an activity with the selected at least one item (column 24, lines 40-60).

Regarding claim 19, Hibi as modified with Lang further teaches that the recording of an activity is an audio recording (See Hibi column 7, lines 38-45, Lang column 6, lines 37-40).

Regarding claim 20, Hibi as modified with Lang further teaches the recording of an activity is a video recording (See Hibi, column 29, lines 1-15, Lang column 6, lines 37-40).

Regarding claim 21, Hibi as modified with Lang further teaches that the recording of an activity is a multi media recording (audio, video information from a broadcast or camera or from other recording/ reproducing apparatus).

Regarding claim 23, Hibi as modified with Lang further teaches that the at least one index is extracted from a document (video program) input to the system (See Hibi, column 28, line 58 to column 29, line 15).

Regarding claim 24, Hibi as modified with Lang further teaches inputting a document into the object description file prior to recording the activity; and extracting from the document the at least one index since Lang teaches that the document can be stored on a storage means before recording and Hibi teaches extracting a index from the activity . (See Lang column 9, lines 3-40, Hibi column 29, and lines 1-30).

Regarding claims 25 and 26, Hibi as modified with Lang fails to specifically teach that the activity directed to the disassembly and subsequent reassembly of a

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device. However, it is noted that activity including disassembly and assembly is well known in the art. Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to capture the disassembly and reassembly of a device as a program and input the program to the apparatus of Hibi as modified with Lang as an alternative of a program source.

### ***Response to Arguments***

3. Applicant's arguments filed 17 June 2005 have been fully considered but they are not persuasive.

Applicant argues that "None of the applied art teaches, discloses or suggests a playback system for replaying an indexed recording that allows simultaneous recording of the activity while replaying an indexed recording of the activity, as claimed in claim 1 and similarly claimed in claim 10."

In response, the examiner disagrees. It is noted that Lang teaches the recording/ play back system for playing back recorded video signal (activity) simultaneously with recording the video signal (column 9, lines 5-40). Hibi teaches generating index images, adding index image to a recording of activity (video signal) and using the index image for selecting and playing back a recording of activity.. Hibi as modified with Lang will teaches playback system for replaying an indexed recording that allows simultaneous recording of the activity while replaying an indexed recording of the activity, as recited in claims 1 and 10.

Applicant argues that "none of the applied art teaches a recording system that records activity, the recording system allows a previously indexed recording to be recorded and inserted in a current second indexed".

In response, the examiner disagrees. It is noted that Lang at column 6, lines 10-27, 40-48, column 9, lines 30-50, teaches editing the recorded activity. The activity recordings are readout and displaying on a monitor for editing. The user can edit, insert, rerecord segments or rearrange the recoded activity segments. The combination of Hibi with Lang will teach inserting a first indexed recording into a second indexed recording since Hibi teaches indexed recordings can be retrieved for viewing and Lang teaches inserting recordings.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY T. NGUYEN  
PRIMARY EXAMINER